

FILED

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CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
TOLEDO

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

KELLY R. HOWARD,

Defendant.

INDICTMENT

JUDGE BARKER

5:20 CR 652

CASE NO.

Title 18, United States Code,
Sections 1028A(a)(1) and 1344

GENERAL ALLEGATIONS

At all times material to this indictment:

1. Fifth Third Bank was a financial institution, as defined under Title 18, United States Code, Section 20, the deposits of which were insured by the Federal Deposit Insurance Corporation, a federal government agency that insured bank deposits against substantial losses with the two-fold aim of preventing a bank's collapse and instilling public confidence in the nation's banking system.

2. Victim 1 was a resident of New Albany, Ohio. Victim 1 had a Fifth Third Bank personal checking account x6300 and a Fifth Third Bank business checking account x2631.

COUNTS 1-3

(Bank Fraud, 18 U.S.C. § 1344)

The Grand Jury charges:

3. Paragraphs 1 and 2 of this Indictment are realleged and incorporated by reference as if fully set forth herein.

4. Defendant KELLY R. HOWARD fraudulently transferred funds from Victim 1's personal checking account x6300 by making an unauthorized withdrawal in the amount of

approximately \$2,000. Defendant used a fraudulently-obtained Ohio Driver's License bearing Victim 1's name and identifying information to facilitate the unauthorized withdrawal.

5. Defendant KELLY R. HOWARD fraudulently transferred funds from Victim 1's business checking account x2631 by making two unauthorized withdrawals for a total amount of approximately \$10,000. Defendant used a fraudulently-obtained Ohio Driver's License bearing Victim 1's name and identifying information to facilitate the unauthorized withdrawals.

6. As a result of the Defendant's unauthorized withdrawals from Victim 1's personal and business checking accounts, Victim 1 and/or Fifth Third Bank suffered a loss of approximately \$12,000.

7. On or about March 21, 2019, in the Northern District of Ohio, Eastern Division, Defendant KELLY R. HOWARD did knowingly execute a scheme and artifice to defraud Fifth Third Bank, a federally-insured financial institution, and to obtain money, funds, credits, assets, securities, and other property owned by, and under the custody and control of Fifth Third Bank, by means of false and fraudulent pretenses, representations, and promises, each unauthorized withdrawal transaction constituting a separate count as set forth below:

<u>Count</u>	<u>Date</u>	<u>Financial Institution</u>	<u>Account</u>	<u>Description of Fraud</u>	<u>Amount</u>
1	03/21/2019	Fifth Third Bank	Victim 1's business account x2631	Unauthorized withdrawal	\$7,000.00
2	03/21/2019	Fifth Third Bank	Victim 1's business account x2631	Unauthorized withdrawal	\$3,000.00
3	03/21/2019	Fifth Third Bank	Victim 1's personal account x6300	Unauthorized withdrawal	\$2,000.00

All in violation of Title 18, United States Code, Sections 1344.

COUNT 4
(Aggravated Identity Theft, 18 U.S.C. § 1028A(a)(1))

The Grand Jury further charges:

8. Paragraphs 1 and 2 of this Indictment are realleged and incorporated by reference as if fully set forth herein.

9. The term “means of identification,” as defined under Title 18, United States Code, Section 1028(d)(7), for purposes of this Indictment, means any name or number that may be used, alone or in conjunction with any other information, to identify a specific individual and includes any name, social security number, date of birth, official State or government issued driver’s license or identification number, and unique electronic identification number, address, or routing code, including a bank account number.

10. On or about March 21, 2019, in the Northern District of Ohio, Eastern Division, Defendant KELLY R. HOWARD did knowingly use, without lawful authority, a means of identification of another person, to wit: an Ohio driver’s license bearing Victim 1’s name and identifying information, and a bank account number associated with Victim 1, during and in relation to a felony violation enumerated in 18 U.S.C. § 1028A(c), to wit: the commission of Bank Fraud, a violation of Title 18, United States Code, Section 1344, as set forth in Counts 1, 2, and 3 herein, knowing that the means of identification belonged to Victim 1, an actual person known to the Grand Jury, in violation of Title 18, United States Code, Section 1028A(a)(1).

A TRUE BILL.

Original document - Signatures on file with the Clerk of Courts, pursuant to the E-Government Act of 2002.